

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
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47 C.F.R. § 90.523(a) and 47 U.S.C. § 337(f)(1):)	
Clarification of Public Safety Services)	PS Docket No. 06-229
for Purposes of Eligibility to Operate on))	
700 MHz Public Safety Broadband Spectrum)	
)	
)	

**COMMENTS OF THE
LOS ANGELES REGIONAL INTEROPERABLE COMMUNICATIONS
SYSTEM AUTHORITY**

I. INTRODUCTION

The Los Angeles Regional Interoperable Communications System (“LA-RICS” or “System”) Authority hereby submits the following comments in response to the Request for Declaratory Ruling filed by the City of Charlotte (“Charlotte” or “Petitioner”) on March 7, 2011 in the above-referenced proceedings. Charlotte has petitioned the Commission to clarify the permissible range of public safety operations on the 700 MHz broadband spectrum.

The LA-RICS Authority strongly supports Charlotte’s petition in that Section 337 of the Communications Act, the accompanying legislative history, and the Federal Communications Commission’s (“FCC” or “Commission”) decisions regarding 700 MHz matters support a conclusion that the statutory qualifier applies to the eligibility of

entities and not to the scope of activities they may undertake on 700 MHz spectrum. The Authority urges the Commission to allow secondary responders, such as public works and utilities, who support first responders to utilize the 700 MHz broadband spectrum.

II. LA-RICS BACKGROUND

The LA-RICS project is a collaborative effort of law enforcement, fire service, and health service professionals with elected and appointed officials working towards the goal of providing a single, unified voice and data communication platform for all regional public safety agencies. A Joint Powers Authority (“JPA” or “Authority”) has been established for the LA-RICS project to engage in regional and cooperative planning and coordination of governmental services to establish this region-wide interoperable public safety communications network. When completed, LA-RICS will cover over 4000 miles of diverse terrain and serve over 34,000 first responders working across 85 separate local agencies.

The Authority, like Charlotte, has been granted a conditional waiver by the Commission to deploy a 700 MHz broadband network.¹ The Authority has entered into a spectrum lease with the Public Safety Spectrum Trust for the use of the necessary 700 MHz spectrum. That lease has been approved by the Commission. Furthermore, the Authority also secured funding from the Broadband Technology Opportunity Program (“BTOP”) grant administered by the Department of Commerce to fund its proposed public safety broadband network.

¹ See In the Matter of Requests for Waiver of Various Petitioners to Allow the Establishment of 700 MHz Interoperable Public Safety Wireless Broadband Networks, *Order*, PS Docket No. 06-229, 25 FCC Rcd 5145 (rel. May 12, 2010) (“Waiver Order”).

III. THE AUTHORITY SUPPORTS CHARLOTTE'S REQUEST TO PERMIT THE SHARED USE OF THE 700 MHZ BROADBAND SPECTRUM WITH SECONDARY RESPONDERS THAT ASSIST IN PUBLIC SAFETY ACTIVITIES

The Authority supports Charlotte's Request for Declaratory Ruling and believes it is necessary to permit secondary users such as utilities to operate in the 700 MHz spectrum. Secondary responders are critical in protecting the lives, health and property of residents. The secondary responders in the Los Angeles region are important to the public safety community as they provide critical support in emergency situations.

In August 2009, the Station Fire in the Los Angeles region was the largest wildfire recorded in Los Angeles County, burning over 160,000 acres. The Los Angeles County Department of Animal Control worked closely with the Los Angeles County Sheriff's Department's Emergency Operations Bureau to rescue horses and other large animals from the affected area. Immediately after the fire, the region experienced heavy rain causing debris to flow to nearby neighborhoods. Secondary responders worked closely with law enforcement and fire to assist in evacuations, closing off streets, and assessing damages to determine when homes were safe for residents to return.

Several times during the 2009-2010 rainy season, the Los Angeles County Department of Public Works responded to the La Crescenta Valley area to assist first responders with gaining access to mountain roads that had been covered in debris due to mudslides. A unified command was formed with the California Highway Patrol, City of Los Angeles Fire, City of Los Angeles Department of Water and Power, Los Angeles County Public Works, and the Los Angeles County Sheriff and Fire Departments. All agencies worked closely together to keep residents safe and maintain access to the affected neighborhoods.

Just recently, the devastating tsunami in Japan prompted a tsunami alert in the Los Angeles region. Los Angeles County Beaches and Harbor were alerted to close off beach access to the public and assist first responders in the event of a tsunami.

Isolating the communications of secondary emergency response providers that are critical to first responders would have a detrimental effect on the ability to properly respond to and recover from natural and manmade disasters. The Authority agrees with Charlotte that law enforcement, fire and EMS communications must have priority claims on the 700 MHz spectrum and such priority should be determined by the network operators based on the disaster at hand.

IV. CONCLUSION

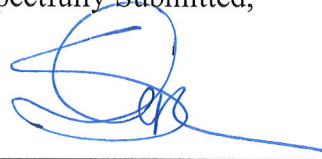
The Authority's 85 member agencies span over 4,000 square miles of widely diverse mountains, deserts, coastlines and urban areas. The Los Angeles region includes airports, seaports, schools, hospitals, and a variety of different critical infrastructures. In protecting the region, public safety entities work closely together across multiple disciplines, such as law enforcement, fire, public health and public works/utilities, to respond to and recover from natural or manmade disasters.

The Authority urges the Commission to issue a Declaratory Ruling confirming that entities with broadband waivers are permitted to allow shared use of the 700 MHz broadband spectrum by governmental personnel, including but not limited to, those engaged directly in law enforcement, fire and medical emergency activities. An affirmative response to the Charlotte request will not conflict with the Congressional intent in allocating this spectrum for public safety use. Congress was responding to a

showing of critical demand for additional public safety spectrum, a showing that was not limited to the needs of first responders only.

A truly interoperable public safety communications system can only be achieved if all agencies involved in public safety activities are included.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to be 'S. Poster', written over a horizontal line.

Scott Poster
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April 11, 2011